

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES & MINERALS – Mining Lease for Laterite over an extent of 10.417 Hectares in Sy.Nos.7/1, 7/2, 10/P, 11/P, 12/P, 16 and 17/P as mentioned in the sketch in Vanthada Village, Prathipadu Mandal, East Godavari District for a period of 20 years in favour of Smt.Kude Lakshmi - Granted – Orders - Issued.

INDUSTRIES & COMMERCE (M.IV) DEPARTMENT

G.O.Ms.No. 147

Dated:23-11-2013.

Read the following:-

1. Govt. Memo No.6617/M.III(1)/2008-3, dt.8-12-2008
2. From the Director of Mines & Geology, File No. 32290/R2-1/2006. dated 01-11-2013.

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ORDER :

In the reference 1st read above, Government have proposed in principle to grant a Mining Lease for Laterite over an extent of 11.243 Hectares in Sy.Nos.7/1,7/2,10/1,11/1,12/P,16,17P of Vanthada village, Prathipadu Mandal, East Godavari District in favour of Smt.Kude Lakshmi under Section 6(1) (c) of MM (D&R) Act,1957 by overlooking priority under Section 11(5) of M.M (D&R) Act,1957 and subject to final survey and inspection to be conducted before execution of the lease deed in order to authentically demarcate the areas in favour of respective lease holders both for the existing and Smt.Kude Lakshmi and requested the applicant for submission of Approved Mining Plan as required under Rule 22(4) of M.C.Rules,1960 within a period of six months from date of receipt of the memo along with Consent for Establishment from A.P.Pollution Control Board and Environment Clearance from Ministry of Environment & Forests to consider for grant of mining lease.

2. In the reference 2nd read above, the Director of Mines & Geology, Hyderabad has stated that a joint inspection was conducted on 29.01.2009 in the presence of DDM&G, Kakinada, ADM&G, Rajahmundry, Tahsildar of Prathipadu Mandal, Asst.Director and Survey & Land Records, Kakinada as per the directions issued in the Govt. memo No.6617/M.III(1)/2008-2, dated 11-11-2008 and reported that the extent of the applied area is required to be modified to the limited extent of mentioning 3.22 Acres in Sy.No.10/1 instead of 3.94 Acres for considering final grant. Smt.Kude Lakshmi vide letter dt.21.03.2009 submitted the draft Mining Plan for approval and requested to consider final grant of Mining Lease for the extent of 10.96 Hectares instead of 11.243 as mentioned in the Govt. memo dt.08.12.2008. Subsequently, she has submitted Mining Plan approved by ZJDM&G, Visakhapatnam vide letter No.4867/M/2008, dt.17.04.2009 and also submitted Environmental Clearance issued by SEIAA vide their Order dt.19.08.2009.

3. The Director of Mines & Geology has also stated that Sri S.Soban Babu whose earlier Mining Lease application was proposed for rejection has filed a revision petition under Rule 54 of M.C.Rules,1960 before Government of India challenging the issue of AMP notice Memo 1st read above to the later applicant Smt.K.Lakshmi. The Revisional Authority disposed the case on

29.09.2010 duly remanded back the case to the State Govt. with a direction that the applications of the Revisionist need to be examined as per the provisions of Act & Rules with the following observation :-

- (i) The Revisionist i.e., Sri S.Sobhan Babu enjoys preferential rights under Section 11(2) of Act,1957.
- (ii) Impleaded party ie., Smt.K.Lakshmi has been recommended for mining lease under Section 11(5) of Act,1957 by the State Govt. but the special reasons need to be assigned by invoking Section 11(5) has not been spelt out.

Therefore, there do not seem to be justification recommending ML to the impleaded party.

- (iii) Under Rule 22(d) of M.C.Rules,1960 minimum area for grant of ML is 4.000 Hectares and the land owned by the impleaded party is far less than the stipulated requirement

4. However, the Revisional Authority did not set-aside the impugned Govt. memo 1st read above in principle granting ML to Smt.Kude Lakshmi.

5. The Director of Mines & Geology has stated that the ADM&G, Rajahmundry has submitted the sketch for the recommended area with geo-coordinates and jointly signed by Surveyor, O/o Tahsildar, Prathipadu Mandal, Tahsildar, Prathipadu, Surveyor, O/o ADM&G, Rajahmundry and ADM&G, Rajahmundry as per the latest guidelines issued by the Government for submission of proposals for grant of Mining Lease.

6. The Director of Mines & Geology has also stated that as per the survey report dt.19.10.2013, the Tahsildar, Prathipadu along with their surveyor attended the Joint Survey. The proposed mining lease area is situated towards northeast of Vanthada village at a distance of 0.75 KM. During the present survey, the applicant requested the ADM&G, Rajahmundry to consider the extent shown by her personally and the applicant stated that she has purchased the land over an extent of 11.15 Hectares in Sy.Nos.7/1, 7/2, 11/1, 10/1, 12, 16 & 17P. Accordingly, the Surveyor, O/o ADM&G, Rajahmundry fixed the boundaries. The ADM&G, Rajahmundry has recommended to consider for grant of M.L for Laterite in Sy.No.7/1,7/2,10/1,11/1, 12, 16&17P over an extent of 10.417 Ha instead of earlier ZJDM&G, Visakhapatnam recommended area of 10.96 Ha because an area of about 0.543 Ha is overlapping with the existing mining lease for Laterite held by Sri S.Soban Babu. The applicant Smt.Kude Lakshmi in her letter dated 19.10.2013 has submitted the consent to take the M.L for the reduced extent of 10.417 Hectares

7. The Director of Mines & Geology has further stated that as informed in earlier recommendations, the applications of Sri S.Soban Babu cannot be rejected in the instant case as the same is also to be considered after the grant is made to Smt.Kude Laxmi for the above said recommended area for the respective survey numbers which are dis-contiguous.

8. The Director of Mines & Geology has finally stated that the Government may consider to issue a revised Approved Mining Plan notice to Smt.K.Lakshmi in principle granting Mining Lease for Laterite over an extent of 10.417 Ha in Sy.Nos.7/1, 7/2, 10/P, 11/P, 12/P, 16 and 17/P as mentioned in the sketch in Vanthada Village, Prathipadu Mandal, East Godavari District under Section 6(1)(c) of Mines & Minerals (D&R) Act, 1957

as the demarcated area is dis-contiguous, duly indicating the special reasons for grant of M.L to the later applicant Smt.K.Lakshmi invoking Section 11(5) of Act, 1957 as "the 1st applicant is Sri S.Soban Babu and 5th applicant is Smt.K.Lakshmi and the 1st applicant is already having (3) Mining Leases over an extent of 10.96 Acres, 30.645 Acres and 166.97 Acres for the same mineral Laterite in the same Village and as an individual tribal this is more than enough for his sustenance. Further, in the interest of a woman entrepreneur it is better to consider the application of Smt.K.Lakshmi with a request to submit revised Mining Plan for Mining Lease for Laterite duly approved by the ZJDM&G, Visakhapatnam under Rule 22(4) of M.C.Rules, 1960, Environmental Clearance Certificate issued by MoEF and Consent for Establishment from A.P.Pollution Control Board and subject to satisfaction of the provisions of M.M(D&R) Act, 1957 and Rules made thereunder.

9. Government, after careful examination of the matter and in suppression of the earlier instructions issued in the reference 1st read above calling for Approved Mining Plan from the applicant, hereby grant Mining Lease for Laterite over an extent of 10.417 Hectares in Sy.Nos.7/1, 7/2, 10/P, 11/P, 12/P, 16 and 17/P as mentioned in the sketch in Vanthada Village, Prathipadu Mandal, East Godavari District in favour of Smt.Kude Lakshmi under Rule 6(1) (c) of MM (D&R) Act,1957 and by overlooking priority under Section 11(5) of MM (D&R) Act,1957 on the ground that "the 1st applicant is Sri S.Soban Babu and 5th applicant is Smt.K.Lakshmi and the 1st applicant is already having (3) Mining Leases over an extent of 10.96 Acres, 30.645 Acres and 166.97 Acres for the same mineral Laterite in the same Village and as an individual tribal this is more than enough for his sustenance and to encourage the woman entrepreneur", subject to satisfaction of M.C. Rules,1960 and M.M.(D&R) Act,1957, and also subject to the conditions in Form-K prescribed under M.C.Rules,1960 and to the additional conditions specified in the Appendix to this order and subject to satisfying all other applicable Acts & Rules in this regard and also subject to fulfilling the following conditions before execution of lease deed:-

- a) Submission of Revised Mining Plan under Rule 22(4) of M.C.Rules,1960 approved by the Zonal Joint Director of Mines & Geology, Visakhapatnam for the recommended area, with in a period of 6 months from the date of receipt of the order;
- b) Submission of Consent for Establishment from A.P. Pollution Control Board and Environmental Clearance from MoEF as per S.O 1533, dated 14-09-2006 along with Revised Approved Mining Plan.

10. The rates of royalty, dead rent, surface rent and water charges shall be collectable as follows or as revised from time to time:

I. Rates of Royalty:

LATERITE	(a) Zero point five zero per cent of London Metal Exchange Aluminium metal price chargeable on the contained aluminium metal in ore produced for those dispatched for use in alumina and aluminium metal extraction.
	(b) Twenty five per cent of sale price on ad valorem basis for those dispatched for use other than alumina and aluminium metal extraction and for export.

II. Dead Rent	Rates of dead rent in rupees per hectare per annum or as revised by the Government from time to time	
From second year of lease	Third year and fourth year	Fifth year onwards
200	500	1000
III. Surface rent and water charges	As fixed by the Government from time to time.	

11. The grantee should execute the lease deed within the time limit specified in Rule 31 of Mineral Concession Rules, 1960.
12. The grantee should pay a deposit of Rs.10,000/- as prescribed under Rule 32 of the Mineral Concession Rules, 1960 before the lease is actually executed.
13. The terms and conditions referred to in paras 9 to 12 of this order are subject to such further modifications, additions and alterations as may be ordered before the lease deed is executed.
14. The Director of Mines and Geology shall take necessary further action for the execution of the lease deed after satisfying himself that the grantee fulfils all the required provisions of the amended Act and Rules. As soon as the deed is executed, the date of such execution should be reported to the Government.

Note:-The grant is liable for cancellation, should it be found at a later date that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud or in excess of authority.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SABYASACHI GHOSH
SECRETARY TO GOVERNMENT**

To

Smt.Kude Lakshmi,
W/o Suri Babu,
Vanthada Village,E.Gokavaram Post,
Prathipadu Mandal, East Godavari District (BY RPAD)
The Director of Mines &Geology, Hyderabad (w.e. File & AMP)

Copy to:

The Zonal Joint Director of Mines & Geology, Visakhapatnam
The Assistant Director of Mines & Geology, Rajahmundry,East Godavari District
The District Collector, East Godavari.
The Secretary to Govt. of India, Ministry of Mines
Department of Mines, New Delhi
The Controller General, Indian Bureau of Mines, Nagpur.
The Director General, Mines Safety, Dhanbad, Bihar.
The Regional Controller of Mines, Koti, Hyderabad.
SF/SC (C.No.13612/M.IV(2)/2009)

"Copy of this order is available on Internet and can be accessed at address <http://www.ap.gov.in/goir>".

//Forwarded :: By Order//

SECTION OFFICER